

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUDGE LYNN

Covidien AG and Tyco Healthcare Group LP  
d/b/a "Covidien,"

08 CV 7151  
Plaintiff,

CV

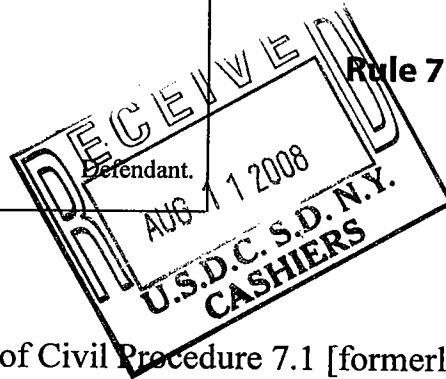
7151

Case No. \_\_\_\_\_

-v-

CapitalSource Inc.

Rule 7.1 Statement



Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for

Tyco Healthcare Group LP and Covidien AG (a private non-governmental party)

certifies that the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held.

Covidien Ltd.

Date: 8/11/2008

Signature of Attorney

Aaron J. Schechter

Attorney Bar Code: AS1282